



association pour la prévention de la torture
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association for the prevention of torture



**Follow-up to the meeting held by the National Preventive Mechanism of Brazil,
the Association for the Prevention of Torture,
Justiça Global and Associação Entre Elas
with the UN Subcommittee for the Prevention of Torture**

11 November 2025

The aforementioned subscribers welcome the opportunity to provide additional detailed information following a technical meeting between the Subcommittee for the Prevention of Torture (SPT), the *Mecanismo Nacional de Prevenção e Combate à Tortura do Brasil* (MNPCT), the Association for the Prevention of Torture (APT), *Justiça Global* and *Associação Entr'elas*, held online on 17 October 2025.

This submission addresses technical aspects, challenges and recommendations concerning the National System to Prevent Torture in Brazil, considering the SPT's mandate to advise and assist States Parties, when necessary, in the establishment of national preventive mechanisms (NPMs).

a) Appointing experts and allocating the necessary resources for the Brazil NPM.

Article 18 of the OPCAT enshrines the obligation of States Parties to make available the necessary resources for the functioning of the national preventive mechanisms.

Brazil's National Mechanism for the Prevention and Combating of Torture (MNPCT) was created by Law No. 12,847/2013, fully in line with the provisions of the Optional Protocol to the Convention against Torture (OPCAT). The body began operating effectively in 2015, following the appointment of its first team, consisting of 11 experts selected by the National Committee for the Prevention and Combating of Torture (CNPCT) for three-year terms, with one reappointment permitted, under the terms of Article 8, §1, of Law No. 12,847/2013.

Pursuant to Articles 6 and 8 of Law No. 12,847/2013, the CNPCT and the MNPCT, respectively, are administratively linked to the Secretariat for Human Rights of the Presidency of the Republic, a function currently performed by the Ministry of Human Rights and Citizenship (MDHC) of the federal government. Article 12 of Law No. 12,847/2013 emphasises that such support shall be of a technical, financial, and administrative nature, as necessary for their operation.

Since 2022, the MNPCT has not had its full team of specialists appointed. The 2023 annual report of the MNPCT shows that throughout the year, the body had no more than nine experts on its team, a number that has since been gradually reduced. In 2025, the body was operating with only six experts, supported by a technical team of two administrative assistants. In 2019 and 2021, the APT and other partners in Brazil submitted briefings to the SPT, also stressing that at that moment the body was also operating below the full composition of 11 experts – nine at that time¹.

The current level of understaffing at the MNPCT is unprecedented and alarming. It also reveals systematic difficulties and delays in the selection process for MNPCT experts. Although the selection processes have been conducted in accordance with technical criteria and have secured the participation of human rights organisations and ensured diversity in the composition of the MNPCT, the administrative support provided has not been sufficient to keep the MNPCT fully functional.

Currently, the MNPCT operates with only six specialists, monitoring detention centres at 27 Brazilian federal units. Given the delay in the current selection process, pending since 2022, and that some experts will conclude their terms in 2026, there is a serious risk that the panel of specialists will be further reduced. This situation undermines the preventive impact of the MNPCT and breaches the different obligations set out in OPCAT, particularly Article 18.

Recommendation:

- Call on Brazil to urgently carry out the selection process to elect new NPM members to secure the full composition of the oversight body, by engaging in dialogue with the Ministry of Human Rights and Citizenship and the National Committee to Prevent Torture.

b) OPCAT implementation in federal states and LMPs in Brazil

Article 17, OPCAT, establishes that each State Party shall maintain, designate or establish “one or several independent national preventive mechanisms for the prevention of torture at the domestic level”, reinforcing the provision of article 3, which states that “each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies”. Article 29, OPCAT, sets forth that the “provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions”, thus referring to the extent of the international obligation arising from the treaty to a specific group of State-parties, organized as federations.

The Federal Republic of Brazil encompasses 27 federal units: 26 states and the Federal District. Federal Law No. 12,847/2013, which internalized the OPCAT, created the MNPCT, the CNPCT and the National System to Prevent Torture (SNPCT). Article 13, Federal Law No. 12,847/2013, provides that “the Secretariat for Human Rights of the Presidency of the Republic will promote the creation of preventive mechanisms to combat torture within the states or the Federal District”.

Apparently, it is not clear to federal or state-level authorities in Brazil that there is an international obligation concerning the adoption of LMPs. The Federal Prosecutor's Office for Citizens' Rights (PFDC) has recently issued a technical note about the “relevance and importance of implementing state systems to prevent and combat torture”². The document deems the existence of LMPs as

¹ Submission dated 4th November 2021, signed by the APT, IDDD, Somos, Conectas Direitos Humanos, Educafro, Renila, ANADEP and CRDH.

² Federal Prosecutor's Office for Citizens' Rights' Technical Note No. 4/2025.

“essential”, “necessary” and “urgent”, concluding that federal states have a “duty-power” to create their LPMs according to provisions of Law No. 12,847/2013. Nevertheless, the technical note overlooks that the fulfilment of OPCAT by each federal state is an international commitment and duty that should be followed by each federal state and that Brazil accounts for under the OPCAT.

Similarly, the preamble to the CNPCT's 'Guidelines for the Creation and Strengthening of Committees and Mechanisms for the Prevention and Combating of Torture in the States of the Federation' (CNPCT's Recommendation No. 13/2024) references national law as the basis for the legal obligation to establish state-level preventive mechanisms in Brazil. It is worth noting that articles 3 and 29 of the OPCAT are mentioned as guidelines in article 10 of the aforementioned recommendation, but its binding nature for federal states and for Brazil, as a State-party to the OPCAT, is not clearly addressed.

Both domestic documents are crucial for the full implementation of the OPCAT and for strengthening the SNPCT. The effectiveness of the SNPCT as a system depends on the establishment of a network of local preventive mechanisms in each federal unit. However, there have been no national public policies, nor a specific budget, in place to support the creation of LPMs at the state level over the years. Only seven states have established their preventive mechanisms to date: Acre, Espírito Santo, Maranhão, Paraíba, Rio de Janeiro, Rondônia and Sergipe.

Recommendation:

- Call on Brazil to acknowledge the creation of LPMs as an integral part of Brazil's international obligations under OPCAT and adopt an effective national policy to support the federal states and the existing LPMs nationwide in fulfilling the OPCAT standards, by engaging in dialogue with the Ministry of Human Rights and Citizenship and the National Committee to Prevent Torture.

The subscribing organizations extend their deepest appreciation to the SPT for its attention to this communication and remain at your disposal for any additional questions regarding the issues raised here.

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